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13 Attorneys for Plaintiffs

14
15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 * * *

18 **FRANCISCO VALDEZ, et al.**) Case No.: C09-00176 RMW
19 Plaintiffs,)
20 vs.)
21 **CITY OF SAN JOSE, et al.**)
22 Defendants.)
23)
24)
25)
26)
27)
28)

17 **STIPULATION AND [PROPOSED]
18 ORDER GRANTING BRIEFING
19 SCHEDULE FOR PLAINTIFFS' MOTION
20 FOR CLASS CERTIFICATION
21 [Fed. R. Civ. Proc. 23]**

22 **IT IS HEREBY STIPULATED AND AGREED BY ALL PARTIES AND THEIR COUNSEL OF
23 RECORD:**

24 WHEREAS, the Court at the most recent Case Management Conference requested the
25 parties' stipulate to a briefing schedule for plaintiffs' Motion for Class Certification
26 (hereinafter "Motion") brought pursuant to Federal Rule of Civil Procedure 23 and the Class
27 Action Fairness Act of 2007. [ECF Docket No. 49].

1 WHEREAS, the parties through their attorneys of record discussed various schedules
2 concerning plaintiffs' Motion.

3 WHEREAS, the parties agreed that the earliest conceivable date for the hearing on
4 plaintiffs' Motion is August 2011 due to the Court and counsel's collective schedules, and as
5 result of the time necessary to prepare the related pleadings.

6 WHEREAS, Federal Rule of Civil Procedure 23 does not provide notice or time
7 requirements for filing a Motion for Class Certification, opposition or reply pleadings.

8 WHEREAS, Northern District Civil Local Rule 7-3 provides relevant notice and time
9 periods for all Motions brought before the Court.

10 WHEREAS, the notice and time periods prescribed by Northern District Civil Local Rules
11 do not adequately account for time and notice necessary for plaintiffs' Motion.

12 WHEREAS, the parties have agreed to the hearing date for plaintiffs' Motion to be heard
13 on Friday, August 26, 2011.

14 WHEREAS, the parties agree that plaintiffs' Motion for Class Certification must be filed
15 no later than Friday, June 24, 2011 (approximately 60 days prior to the hearing).

16 WHEREAS, the parties agree that defendants' Opposition, if any, to plaintiffs' Motion
17 must be filed no later than, Friday, July 22, 2011 (approximately 35 days prior to the hearing).

18 WHEREAS, the parties agree that plaintiffs' Reply, if any, to plaintiffs' Motion must be
19 filed no later than, Friday, August 12, 2011 (approximately 14 days prior to the hearing).

20 NOW THEREFORE, the parties hereby agree that plaintiffs' Motion is to be heard on
21 August 26, 2011.

22 The parties hereby further agree and stipulate to the following briefing schedule:

23 Plaintiffs' Motion to be filed no later than Friday, June 24, 2011

24 Defendants' Opposition to be filed no later than Friday, July 22, 2011

25 Plaintiffs' Reply to be filed no later than Friday, August 12, 2011

26 //

1 KALLIS & ASSOCIATES, P.C.
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4 Dated: March 23, 2010

5 _____/S/
6 M. JEFFERY KALLIS, current co-
7 counsel for plaintiffs
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10 BUSTAMANTE O'HARA &
11 GAGLIASSO, P.C.
12
13

14 Dated: March 23, 2010

15 _____/S/
16 ANDREW V. STEARNS
17 STEVEN M. BERKI, current co-counsel
18 for plaintiffs
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21 OFFICE OF THE CITY ATTORNEY OF
22 SAN JOSE
23
24

25 Dated: March 23, 2010

26 _____/S/
27 CLIFF GREENBERG, counsel for
28 defendants
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ATTORNEY ATTESTATION

I hereby attest that I have on file all holograph signatures for any signatures indicated
by a "conformed" signature (/s/) within this E-filed document.

Dated: March 23, 2011

_____/s/
Andrew V. Stearns

1
2 **[PROPOSED] ORDER**
3

4 The Court, having considered the parties' Stipulation, the documents and records on
5 file with the court, and finding good cause therefore, hereby orders:
6

7 Plaintiffs' Motion for Class Certification is to be filed by no later than Friday, June
8 24, 2011
9

10 Defendants' Opposition to Plaintiffs' Motion for Class Certification is to be filed by
11 no later than Friday, July 22, 2011
12

13 Plaintiffs' Reply in Support of Motion for Class Certification is to be filed by no
14 later than Friday, August 12, 2011
15

16 The motion shall be heard on August 26, 2011 at 9:00 a.m.
17

18 IT IS SO ORDERED.
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20 Dated: 5/10/11

21 By: 

22 Hon. Jeremy Fogel
23 United States District Court Judge
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